IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

OP.No. 12587 of 2002(W)
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PETITIONER:
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KARICHI, AGED 70 YEARS,
W/O.LATE KRISHNA MANIYANI,
RESIDING AT KOTTAMKUZHY,
KASEDKA VILLAGE, KASARAGOD DISTRICT.

BY ADV. SRI.SURESH KUMAR KODOTH
SMT.C.V.BINDU

RESPONDENTS:
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1. THE COMMISSIONER OF LAND REVENUE
THIRUVANANTHAPURAM.

2. THE REVENUE DIVISIONAL OFFICER,
KASARAGOD AT KANHANGAD.

3. THE SPECIAL TAHASILDAR
(LAND ASSIGNMENT), KASARAGOD.

4. KRISHNA MANIYANI, S/O.APPA MANIYANI,
KOTTEMKUZHY, KASADKA VILLAGE AND POST,
MULLARIA VIA, KASARAGOD DISTRICT.

BY ADV. SRI.A.P.CHANDRASEKHARAN
SMT.PRABHA R.MENON
SRI.PUSHPARAJAN KODOTH
SRI.M.KRISHNAKUMAR
SRI.K.JAYESH MOHANKUMAR
GOVERNMENT PLEADER SMT.K.R.DEEPA.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 20/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P.NO.21420/02 IN O.P.NO.12587/02

DISMISSED

20.6.2007. SD/- KURIAN JOSEPH, JUDGE.

A P P E N D I X

PETITIONER'S EXHIBITS :

EXT.P1 : TRUE COPY OF THE ORDER DT. 24.1.1981 ISSUED BY THE THIRD RESPONDENT.

EXT.P2 : TRUE COPY OF THE ORDER NO.D.DIS.9174/87 CA.A.86/81 DT. 29.8.1987 ISSUED BY THE SECOND RESPONDENT.

EXT.P3 : TRUE COPY OF THE ORDER NO.D.DIS.36762/87/LR(J)2 DT. 27.10.1988 ISSUED BY THE SECRETARY.

EXT.P4 : TRUE COPY OF THE APPEAL FILED BY THE 4TH RESPONDENT AS PER ORDER DT. 20.6.1995 ISSUED BY 2ND RESPONDENT.

EXT.P5 : TRUE COPY OF THE ORDER NO.LR(J)2-21623/95/DIS. DT. 5.10.1998 ISSUED BY THE FIRST RESPONDENT.

EXTP6 : TRUE COPY OF ORDER NO.D.DIS.10719/98/F DT. 23.2.2001 ISSUED BY 2ND RESPONDENT.

EXT.P7 TRUE COPY OF ORDER NO.LR(J) 2-11896/2001D.DIS. DT. 23.3.2002 ISSUED BY THE FIRST RESPONDENT.

EXT.P8 TRUE COPY OF THE PLAINT IN O.S.NO.98/99 BEFORE THE MUNSIFF COURT, KASARAGOD DT. 19.2.1999.

TGS

**KURIAN JOSEPH J.**

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**O.P. NO.12587 OF 2002**

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**Dated 20th June, 2007.**

**J U D G M E N T**

Petitioner is aggrieved by Exts.P6 and P7 orders passed by the Revenue Divisional Officer and Commissioner of Land Revenue respectively in the matter of assignment of Government land. According to the petitioner, he is entitled to assignment as per Ext.P1 order. Now that the higher authorities have remitted the matter to the Tahsildar for fresh consideration, petitioner apprehends that in the process, the assigning authority will be swayed by the observations contained in Exts.P6 and P7. I make it clear that the orders shall be treated as an open remand and the authority shall consider the matter in accordance with law, with notice to the petitioner and the 4th respondent and shall pass fresh orders on merits within four months from the date of production of a copy of the judgment.

The writ petition is disposed of as above.

**KURIAN JOSEPH, JUDGE.**

**tgs**

**KURIAN JOSEPH, J.**

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**O.P. NO.12587 OF 2002 (W)**

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**J U D G M E N T**

**Dated 20th June, 2007.**